



MINUTES

Executive Board

**Second Meeting
2011 Interim
March 28, 2011**

**Room 413
State Capitol
Pierre, South Dakota**

The second 2011 interim meeting of the Legislative Research Council Executive Board was called to order by Chair Charles M. Turbiville at 1:10 p.m. (CT), March 28, 2011, in Room 413 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Joni M. Cutler (Vice Chair), Jim Hundstad, Ryan Maher, Tom R. Nelson, Craig Tieszen, and Larry Tidemann; and Representatives Gene G. Abdallah, Lance Carson, Kristin A. Conzet, Marc Feinstein, Larry Lucas (Ranking Minority Member), Val Rausch, Charles M. Turbiville (Chair), and Mark E. Venner. Senator Bob Gray was excused.

Staff members present included Jim Fry, LRC Director, and Teri Retrum, Administrative Assistant.

(Note): For the purpose of continuity, these minutes are not necessarily in chronological order. Also, all material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). This meeting was web cast live. The archived web cast is available at the LRC web site at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas."

Approval of Minutes

SENATOR HUNDSTAD MOVED, SECONDED BY SENATOR TIESZEN, THAT THE MINUTES OF THE MARCH 10, 2011, MEETING BE APPROVED, The motion prevailed on a voice vote.

Review and Discussion of Legislative Travel Policy

At the direction of **Chair Charles M. Turbiville, Mr. Jim Fry**, LRC Director, said that there is about \$31,000 left in the FY 2011 budget that could be used for out-of-state travel expenses. However, Mr. Fry explained that all claims for such travel must be given to the LRC Finance Officer by June 15, 2011, in order to meet the processing deadline.

Responding to **Senator Craig Tieszen**, Mr. Fry said that, because an additional \$100,000 was added to the general bill, and about \$50,000 was in the LRC budget, plus the \$31,000 left in the FY 2011 budget equals about \$181,000, which is at the discretion of the Executive Board. The money could be used for interim committees, staff enrichment, travel, etc. Mr. Fry informed the Board that it costs about \$12,000 to \$15,000 to fund interim committees. He noted that the interim redistricting committee will need about \$18,000 due to the travel involved. Mr. Fry said that in addition to funding interim committees and the statutory

committees, the Wind Energy Competitive Advisory Task Force created in SB 194 also must be funded.

Representative Gene Abdallah said that it was his understanding that the \$100,000 was to be used for interim committees.

Mr. Fry said that the money is comingled, and its use is at the discretion of the Executive Board. He said that money not used would be reverted to the general fund.

Chair Turbiville said that Representative Tad Perry told him that it was his intent that the money would be used for interim committees in whatever manner the Executive Board deemed appropriate when he amended the general bill to add \$100,000 to the budget.

Representative Abdallah suggested that the Executive Board suspend out-of-state travel and use the money for interim committees.

Representative Larry Lucas agreed with that statement. Representative Lucas said that perhaps the DDN could be more utilized for meetings during the interim.

Chair Turbiville said that chairs of national committees are permitted to travel under the current Executive Board policy.

Representative Lucas said that he does not object paying for travel to the meetings and that perhaps vice chairs of national committees also should be included in that travel.

Representative Marc Feinstein said that NCSL and CSG are in the process of organizing so there could be more South Dakota legislators involved in leadership positions.

REPRESENTATIVE LUCAS MOVED, SECONDED BY REPRESENTATIVE CONZET, THAT THE EXECUTIVE BOARD INCLUDE TRAVEL FOR LEGISLATORS WHO ARE APPOINTED TO VICE CHAIR POSITIONS ON NATIONAL COMMITTEES. The motion prevailed on a voice vote.

Chair Turbiville addressed the membership of the following national organizations:

- Commission on Uniform Legislation (ULC)—5 persons learned in the law appointed by the Executive Board to a 3-year term each;
- Streamlined Sales and Use Tax Agreement Governing Board (SSTP)—4 members of the South Dakota Legislature appointed by the Executive Board; and
- International Legislators Forum—9 legislators appointed by the Executive Board Chair.

Mr. Fry said that members of the ULC have been allowed \$2,500 to travel to their meetings. The \$18,000 for the Redistricting Committee is an estimate. Mr. Fry said that if about \$12,000 per interim is used per committee, the total would be \$36,000 for three 2011 interim study committees.

Regarding the International Legislators Forum, **Representative Val Rausch** said that nine past and present South Dakota Legislators comprise the state's membership on the Forum. The annual meeting will be hosted by South Dakota this year. Brookings, South Dakota, will welcome legislators from South Dakota, North Dakota, Minnesota, and the Canadian Province of Manitoba to discuss topics and make recommendations on issues of common interest to North Central States and central Canada. South Dakota's fee is \$10,000, of which \$5,000 in the past has been paid by the Legislature, and \$5,000 by the Bureau of Finance and Management. However, BFM has notified the Legislature that it no longer will provide that \$5,000. Representative Rausch said that the fee encompasses two or three nights lodging and mileage. The meals are included.

Chair Turbiville asked if reducing the membership of the Forum would cause a problem.

Representative Rausch stated that the Forum has been working on the I-29 corridor. He said that South Dakota's presence in the discussion is very valuable for the state. Representative Rausch said that it would not be in South Dakota's interest to lower its membership on the Forum.

Addressing further questions from Chair Turbiville, Mr. Fry said that the Department of Health, Department of Human Services, and the Bureau of Finance and Management remain for agency review.

Representative Abdallah said that teen driving safety and wind energy also are to be studied this interim.

Senator Tieszen said that HB 1221 states that the task force on teen driving is contingent on the state receiving a grant to fund the activities of the task force.

Chair Turbiville asked for discussion on the membership of the SSTP. The Chair said that new members have to be appointed if the state's membership is going to be continued.

Representative Abdallah expressed his opinion that travel to SSTP should be removed due to what he considered to be abuses of travel.

Representative Rausch said that funding travel to SSTP should be continued because participation will ultimately benefit South Dakota.

Senator Cutler agreed that it is important to continue the funding.

Representative Mark Venner asked if membership could be reduced to two.

Mr. Fry said that many of the issues discussed and addressed by the SSTP are very technical, and there is a concern when continuity is lost.

Senator Tieszen said that he would be satisfied with leaving the four members in place.

Mr. Fry estimated that funding for all statutory committees would total about \$20,000 to \$25,000. He commented that he would like to send staff to meetings regarding technology, particularly because there is a new staff person working in that area.

Chair Turbiville asked for a decision on whether to fund four people for the SSTP and, if necessary, make a decision on whom to appoint later.

REPRESENTATIVE RAUSCH MOVED, SECONDED BY REPRESENTATIVE CONZET, TO APPOINT REPRESENTATIVE JUSTIN CRONIN TO THE STREAMLINED SALES AND USE TAX AGREEMENT GOVERNING BOARD TO REPLACE REPRESENTATIVE DEB PETERS BECAUSE SHE IS NOW A SENATOR.

Senator Cutler expressed concern with replacing Senator Peters only because a House member is needed, because Senator Peters because is a very valuable person on the Project.

Senator Maher agreed with Senator Cutler. He suggested that the Senate members of the Executive Board conduct a side bar caucus to decide the issue.

SENATOR CUTLER MADE A SUBSTITUTE MOTION, SECONDED BY SENATOR MAHER, THAT THE EXECUTIVE BOARD RECESS AND THAT THE SENATE MEMBERS DISCUSS WHICH TWO SENATE MEMBERS TO APPOINT TO THE STREAMLINED SALES AND USE TAX AGREEMENT GOVERNING BOARD.

Chair Turbiville gaveled that the Executive Board would be in recess for five minutes to allow the Senators to decide on this motion.

The Executive Board recessed at 2:05 p.m. and reconvened at 2:08 p.m.

Senator Cutler reported that the Senate members unanimously selected Senator Deb Peters to be appointed and Senator Tom Hansen to be reappointed to the SSTP.

SENATOR CUTLER MOVED, SECONDED BY SENATOR MAHER, THAT SENATOR DEB PETERS BE APPOINTED AND SENATOR TOM HANSEN BE REAPPOINTED TO THE STREAMLINED SALES AND USE TAX AGREEMENT GOVERNING BOARD.

To clarify the issue, Chair Turbiville asked Senator Cutler if she would include appointing Representative Justin Cronin and reappointing Representative H. Paul Dennert to the SSTP in the motion. Senator Cutler agreed to include Chair Turbiville's additions.

The motion prevailed on a voice vote.

Chair Turbiville asked Board members for input on whether to fund travel to the Uniform Laws Commission.

Responding to **Representative Kristin Conzet**, Mr. Fry said that it is within the by-laws of the Commission to appoint life-time members. The Commission appoints those members not the Executive Board of the LRC. Mr. Fry further commented that people who can discuss and offer input on the issues are highly prized by the Commission, and it appoints the life-time members based on that expertise.

Senator Tieszen asked about some of the Uniform legislation that has been brought forth by the Commission.

Mr. Fry noted the Uniform Corporations Act and the Uniform Child Custody Enforcement Act as two examples.

Senator Cutler said that the ULC currently is reviewing uniform law regarding sex offender registry notification.

Representative Feinstein noted uniform law on adult care.

Mr. Reuben Bezpaletz, Chief of Research Analysis and Legal Services, stated that monitoring the existing uniform laws, such as the Uniform Commercial Code and the Uniform Probate Code, is just as important as developing new uniform law.

Representative Abdallah said that the Board should prioritize. He said that proposed money is being used for this type of travel, and that money was supposed to be used for studies. Representative Abdallah said that he cannot support these proposals.

REPRESENTATIVE CONZET MOVED, SECONDED BY SENATOR CUTLER, THAT THE BOARD SUPPORT FUNDING TRAVEL FOR ONLY SEATED MEMBERS OF THE LEGISLATURE TO TRAVEL TO THE UNIFORM LAWS COMMISSION, WHICH COULD BE ONLY ONE INDIVIDUAL.

Representative Conzet advised that the Board use prudence in spending the money added to the LRC budget for interim committees.

Senator Cutler asked if the discussion involves limiting travel for now or the future.

Chair Turbiville said that the 2012 travel currently is being addressed.

Senator Cutler asked if some of the ULC members would be allowed to use their own money to travel to the meetings. She questioned whether the Board wants to limit the number of people who can serve or whether the Board just does not want to pay their travel.

Representative Lucas said that it is inappropriate to remove the current appointees and the travel funding.

Representative Feinstein said that the number of members to the ULC is set in statute. He questioned whether the \$2,500 is spent by the members or could that amount be limited.

Mr. Fry said that the \$2,500 is exceeded and paid for by the members.

Senator Tieszen said that the discussion justifies continuing the membership and funding for the ULC.

Representative Abdallah agreed but questioned where the rest of the money is going. He said that he cannot support any matter that will not assure him that the money will not be spent on travel but will be spent on interim committees.

SENATOR TIESZEN MADE A SUBSTITUTE MOTION, SECONDED BY SENATOR TIDEMANN, THAT THE BOARD FUND THE ULC REPRESENTATION AT \$2,500 PER MEMBER. The motion prevailed on a voice vote.

Chair Turbiville requested that Mr. Fry poll all legislators who are lawyers to assess their interest in being appointed as a member to the ULC.

REPRESENTATIVE ABDALLAH MOVED, SECONDED BY SENATOR MAHER, THAT NO PART OF THE \$100,000 BE SPENT FOR OUT-OF-STATE TRAVEL.

Senator Cutler said that the motion to add \$100,000 to the LRC's budget for interim committees was made in the House. She said that the Senators may have interpreted that the money would be spent on the necessary expenses for which the Executive Board decided would be the priorities of the Legislature.

Representative Rausch said that the Board already has a travel policy that is pretty restrictive and that he opposes this motion.

Representative Lucas said that he supports the motion.

Representative Abdallah said that the House Majority Leader told him that none of the \$100,000 would be spent on out-of-state travel.

Representative Feinstein said that would affect the International Forum.

Representative Rausch said that the Forum focuses on topics of common interest of the three states and one Canadian Province involved. The Forum has branched out into other areas and the focus this year is on energy—hydro, wind, etc. The Forum will continue to work on other topics that are shared in common with South Dakota's neighboring states and Manitoba.

REPRESENTATIVE ABDALLAH'S MOTION THAT NO PART OF THE \$100,000 BE SPENT FOR OUT-OF STATE TRAVEL FAILED ON A ROLL CALL VOTE WITH 6 VOTING AYE, 8 VOTING NAY, AND 1 EXCUSED. Those voting AYE: Maher, Abdallah, Conzet, Feinstein, Lucas, Venner. Those voting NAY: Hundstad, Nelson, Tidemann, Tieszen, Carson, Rausch, Cutler, Turbiville. Those EXCUSED: Gray.

REPRESENTATIVE RAUSCH MOVED, SECONDED BY TIDEMANN, THAT SENATORS BROWN, HUNDSTAD, TIDEMANN, HANSEN; REPRESENTATIVES H. PAUL DENNERT, MUNSTERMAN, RAUSCH, WISMER BE APPOINTED TO THE INTERNATIONAL LEGISLATORS FORUM. The motion prevailed on a voice vote.

Responding to Chair Turbiville, Representative Rausch said that funding will be needed for two nights and three days.

Mr. Fry said that the \$10,000 fee—\$5,000 which was paid by the Legislature plus the \$5,000 that will no longer be paid by the Bureau of Finance and Management—will be paid from the LRC's FY 2011 budget, if possible.

Senator Tidemann said that for some of the members who live in Brookings area the expense only will be for mileage and registration.

SENATOR TIDEMANN MOVED, SECONDED BY SENATOR HUNDSTAD, THAT THE EXECUTIVE BOARD APPROVE THE REQUIRED FUNDING FOR THE MEMBERS OF AND THE ATTENDANCE AT THE INTERNATIONAL LEGISLATORS FORUM. The motion prevailed on a voice vote.

Discussion of 2011 Interim Studies

Chair Turbiville stated that the Board's April meeting will concentrate on selecting interim committees.

Senator Tieszen commented that Study Topics C and D could be combined for tax exemptions and Study Topics F and K could be combined for perpetual easements.

Representative Venner said that perhaps Study Topics P and Q could be combined to encompass all issues of smaller government.

Representative Venner asked if the Board will be provided with a budget on the issues discussed at this meeting. Chair Turbiville responded in the affirmative.

Representative Feinstein requested that the Board be allowed to peruse the final interim study survey before it is sent to all legislators.

Chair Turbiville agreed to that request.

Discussion on a Freshmen Legislator Handbook

Representative Conzet asked for a guide for newly-elected legislators to outline the legislative process. She said that she has discussed the possibility with Representative Feinstein and is going to work with Senator Cutler to develop a comprehensive manual on this topic. Representative Conzet also said that many ideas regarding this issue were presented to her and Representative Feinstein.

Responding to Chair Turbiville, Mr. Fry said that LRC would support such an endeavor.

Senator Cutler noted the "Basics For New Legislators." She commented that the information addressed very valuable information for new legislators.

Mr. Fry said that the information noted appeared in the 2011 Legislative Training.

Senator Tidemann said that he also found the information to be very helpful to him, even as a returning legislator.

Executive Board Subcommittees

Chair Turbiville asked Board members to notify him as to any changes they have to the Executive Board subcommittees.

Adjournment

SENATOR TIDEMANN MOVED, SECONDED BY REPRESENTATIVE FEINSTEIN, THAT THE EXECUTIVE BOARD ADJOURN. The motion prevailed unanimously on a voice vote.

The Executive Board adjourned at 3:15 p.m.

